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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,248	03/18/2004	James K. Guy	7784-000693	5974
27572	7590	06/14/2005		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER TSO, LAURA K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

# Office Action Summary

Application No.

10/803,248

Applicant(s)

GUY, JAMES K.

Examiner

laura tso

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 5/31/2005 (Amendment and Remarks).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-21, 23-28, 30-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-21, 23-27, 30, 32-35 and 38 is/are rejected.
- 7) ☒ Claim(s) 12, 28, 31 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/18/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

An amendment to the instant application was filed on 5/31/05.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 13-16, 18, 24-27 and 32-35 remain rejected under 35 U.S.C. 102(b) as being anticipated by Benes (5,161,874).

Benes discloses a lighting system [figures 1-3] comprising a street lamp post [column 1, line 44], a light source [26] located within a base [B] and a light guide which includes a conduit [40] enclosing optical fiber [50]. The conduit section of the light guide supports the illumination device and the optical fiber section channels the light to the illumination device. The light source is a bulb. The light guide comprises optical fibers extending longitudinally within the

hollow portion/conduit [40] of the lamp post. Inherently the optical fiber has total internal reflection.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being anticipated by Benes in view of Rizkin et al. (5,629,996).

Benes does not disclose a plurality of light guides each having an associated illumination device. Rizkin, in a similar device discloses a plurality of light guides [30] comprising an optical fiber bundle that channels the light from the light source to a plurality of luminaries [40]. Thus, it would have been obvious to one of ordinary skill in the art to modify Benes to include a plurality of luminaries so that light may be directed in multiple directions at once.

Claims 5, 7, 17 and 19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Benes in view of Parker et al. [6,185,356].

Benes does not disclose the light source comprises a laser or an LED. Parker, in a similar light guide device, discloses light guides may be coupled with a variety of light guides including LEDs and lasers [column 7, line 25-45]. Thus, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to use a laser or LED as the light source in the device of Benes depending on the desired light output.

Claims 9 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Benes in view of Hoffmann [6,612,729].

Benes does not disclose the light guide is a hollow structure having a reflective coating covering the inside surface of the structure. Hoffmann, in a similar light guide device, discloses a hollow light guide having a reflective coating covering the inside surface of the structure which provides total internal reflection of light within the light guide [column 2, line 32-35]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a the hollow light guide having a reflective inside coating as taught by Hoffmann in the device of Benes to provide total internal reflection in a flexible light guide which would not be heavy.

Claims 11, 23, 30 and 38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Benes in view of Nath [5,412,750].

Benes does not disclose the light guide is a hollow structure having a liquid waveguide core. Nath, in a similar light guide device, discloses a light guide which is a hollow structure having a liquid core. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a light guide having a hollow structure having a liquid as taught by Nath in the device of Benes to provide a flexible light guide which has a moderate cost and desirable illumination properties.

*Allowable Subject Matter*

Claims 12, 28, 31 and 36 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Amendment's "Remarks" Section*

Applicant has amended independent claims 1, 13, 24 and 33 similarly. In his remarks section he makes arguments to claim 1 and then directs the examiner to these arguments with respect to the other independent claims. Thus, the examiner will only direct her comments to this one set of arguments.

Applicant has submitted that the cited prior art does not describe, show or suggest a lighting system that includes a **light guide that is a structural component of the system for supporting the illumination device** a distance away from the light source. Benes, discusses the use of conduits in use of light guides [column 6, line 56-59]. The examiner has used this reference to show a light guide formed of a conduit [40] enclosing optical fiber [50]. The conduit section of the light guide supports the illumination device and the optical fiber section channels the light to the illumination device.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M, W 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



laura tso  
Primary Examiner  
Art Unit 2875